

MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 01-20-05

Attendance: Richard Horton, CH Thomas Utterback, VC Enrique Salvador William Derrer
Jesus M. Gomez Rolando Diaz Arnold Velazquez Robert Barnes
Edward Woodard Gregory Pierce Carmen Garcia Justin Manuel
William Strachan, (Ret. Chief) Alfonso Fernandez-Fraga, P.E.

Excused: John Kurzman William Riley Chief Virgil Fernandez

Staff Present: Michael Goolsby, Acting Secretary to the Board
Maria Arista-Volsky, Asst. County Attorney
Yvonne Bell, Recording Secretary

Court Reporter: Isabel Seralnik, Metro Dade Court Reporters

The meeting commenced at 1:22 P.M.

MINUTES OF DECEMBER 16, 2004

Mr. Horton requested a motion of the Board to approve the minutes of the **December 16, 2004** meeting.

Mr. Diaz moved to accept the minutes of the last meeting. Mr. Woodward seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Horton requested a motion to approve the **Consent Agenda**.

CONSENT AGENDA

APPEAL #1: TCO EXTENSION, PERMIT No. B0001902/BC001044, Baloyra

APPEAL #2: TCO EXTENSION, PERMIT No. 03050503, Halkali & Shook

Mr. Pierce moved to approve the Consent Agenda items as announced by Mr. Horton. Mr. Barnes seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Horton then proceeded with the **Regular Agenda Appeals**.

REGULAR AGENDA APPEALS

APPEAL #1: APPEAL OF BUILDING OFFICIAL: City of Aventura, Delvista Towers, 20225 N.E. 34 Delvista Court, Permit #BL03-959, FBC Section 11-4.3.1, Handicapped Parking Space

The Building Official advised the members that the issue had since been **resolved** and this appeal no longer needed to be heard by the Board.

APPEAL #2: APPEAL OF BUILDING OFFICIAL: Town of Bay Harbor Islands, Island Pointe, 10350 West Bay Harbor Drive, FBC Section 1615.2, Roof Top Patio

Mr. Horton advised the Board that this appeal has been **deferred**.

APPEAL #3: APPEAL OF BUILDING OFFICIAL: Town of Bay Harbor Islands, 9350 W. Bay Harbor Drive, #2-C, Electrical Permit Requirements

Mr. John Lipka commented that he is a State licensed contractor and an electrical permit was required by Bay Harbor in the past for this type of mechanical change. He added that the mechanical contractor should not have to pull an electrical permit and now the Building Official is holding back his final inspection and is requesting items beyond the required scope.

Mr. Horton stated that this issue came to the Board prior and they ruled that an electrical permit would be required. He commented that to his knowledge it was appealed and possibly overturned by the Circuit Court.

Asst. County Attorney Maria Arista-Volsky advised them that she did not see a Order on this matter, but she note the Motion filed with the Court for dismissal; not a specific final Order.

Mr. Oriol Torres-Haage, Building Code Compliance Specialist (Electrical) stated that he only addressed the code requirements. He commented that he visited the site and took photographs; he proceeded to bring the Board's attention, through a power point presentation, that the unit air handler was changed and violations to the NEC existed. He went on to add that they used a number twelve wire instead of a number ten.

Mr. Don Jonson, Chief Electrical Inspector for the Town of Bay Harbor, presented the members with backup material and proceeded to inform the members that the original case was based on the South Florida Building Code. He stressed that the Florida Building Code went into effect and is now the governing Code for this case. Mr. Jonson went on to add that this is a safety issue and therefore the unit installation needed to be inspected. He commented that the Building Official has the authority to request these permits and he is not requesting that the high and low voltage conduits be required. Mr. Jonson advised the Board that he would like the contractor to correct the previous work performed.

Mr. Horton asked for a description of the original installation requirement.

Mr. Johson informed the members that this building was completed in 1980 and that the original installation shows two AC units with one unit at 41/2 KW and unit two at 31/2 KW. He added that someone else could have possibly performed the change out subsequently.

Mr. Velazquez commented that there are two affidavits before them and proceeded to read the amplifier requirements into the records.

Mr. Alfonso Fernandez-Fraga asked about the exact change out requirements.

Mr. Jonson stated that they issue a permit to the mechanical inspector and conduct a dual inspection.

Mr. Charlie Cangianelli, Building Official, Town of Bay Harbor Islands, commented that there is still an electrical violation at this site.

Mr. Lipka responded that they were never told this, as this is an eight story condominium. He stated that he was advised by Mr. Jonson to separate the conduits and he should not be cited for other violations within the apartment, as his work was performed from the load side out.

Mr. Jonson responded that Mr. Lipka was issued an electrical permit under the areas of his mechanical license, therefore, the load side and control falls on him.

Mr. Cangianelli replied that the wiring needed to be checked, as the new unit will require additional electricity and with the suggested device they can make the building safer.

Mr. Lipka responded that his final inspection is being held up due to another inspection request.

Mr. Jonson stated that he is hooking his condenser up to the conduit and this connection must comply with the code.

Mr. Fernandez-Fraga also wanted clarity on this issue and asked Mr. Lipka if the issue was whether he needed an electrical permit or not.

Mr. Lipka stated that this does not apply in other cities and they do not feel it's proper and there should be no reason to inspect it, but they will correct the violations on the load side. Mr. Lipka further commented that he replaced the unit with a 3 ½ ton unit and machines are now more efficient and using less power

Mr. Jonson then directed everyone to a photograph of the job.

Mr. Pete Quintela, Building Code Compliance Specialist (Mechanical), commented that the practice of requiring a second permit is not correct and proceeded to inform the members that Florida Statute 489 that allows a mechanical inspector to reconnect and disconnect.

Upon much discussion, Mr. Fraga moved the following: that the Mechanical Contractor did not require an electrical permit when an exact change out was performed; therefore, the Town of Bay Harbor Islands is to revoke the electrical permit. The electrical violations on the load side of the air conditioning disconnect was the responsibility of the Mechanical Contractor in doing work within his scope. Also, a final inspection will be required for the work done on the load side of the air conditioner disconnect which the

Mechanical contractor installed. If the new air conditioner requires a larger over current protection, then a new electrical permit would be required. Mr. Barnes seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Horton then proceeded with the **Emergency TCO/TCC Appeal Agenda.**

EMERGENCY AGENDA TCO/TCC APPEALS

APPEAL #1: TCO EXTENSION, PERMIT No. 01-5010199, Garcia-Sierra

APPEAL #2: TCO EXTENSION, PERMIT No. 02-5016046, Garcia-Sierra

Mr. Salvador moved to approve 90-day extensions for the above-mentioned TCO Appeal items. Mr. Diaz seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Horton proceeded with the **Regular Agenda TCO/TCC Appeals.**

REGULAR AGENDA TCO/TCC APPEALS

APPEAL #1: TCO EXTENSION, PERMIT No. 2002-040908, Fonticiella

Mr. Leonard Fonticiella informed the members that a pump was required prompting the plans to be resubmitted. He added that the pump is on site and they expect a final in a couple of days.

After some discussion, Mr. Derrer moved to grant a 90-day extension. Mr. Woodward seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #2: TCO EXTENSION, PERMIT No. 01-1430, Tillman

Mr. Noe Martinez stated that he would like to amend the TCO submission to include Unit Nos. 501, 901 and 1606 to the mentioned permit number.

Mr. Mariano V. Fernandez, Building Official, City of Aventura took the podium and added that the floors were submitted in three sections and he consented to adding those areas for a total of four extensions for 90-days.

After some discussion, Mr. Velazquez moved to grant the four 90-day TCO extensions as amended. Mr. Salvador seconded the motion.

Motion carried unanimously

(For a verbatim version of the aforementioned item, refer to the transcript.)

The Appellant was directed to provide Staff with an amended filing for the record.

APPEAL #3: TCO EXTENSION, PERMIT No. B0500307, Baloyra

Mrs. Patricia Baloyra was present and advised the members that a 90-day extension was needed to finish the job.

After some discussion, Mr. Diaz moved to grant a 90-day extension. Mr. Salvador seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #4: TCO EXTENSION, PERMIT No. BCO2136/BCCO2135/BCO3158/B9904387, Baloyra

Mrs. Patricia Baloyra was present and advised the members that the interior passed inspection and a 90-day extension was needed to make completions.

Mr. Diego Procel, Developer stated that they needed 90-days to complete the repairs.

After some discussion, Mr. Diaz moved to grant a 90-day extension. Mr. Salvador seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #5: TCC EXTENSION, PERMIT No. B020213/BCC033802, Lazar

Mr. Ross Penny was present on behalf of the Ritz Carlton South Beach.

After discussion, Mr. Velazquez moved to grant a 90-day extension from January 2005. Mr. Salvador seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #6: TCC EXTENSION, PERMIT No. B020213/BCC03324, Lazar

Mr. Ross Penny was present on behalf of the Ritz Carlton South Beach.

After some discussion, Mr. Derrer moved to grant a 90-day extension. Mr. Salvador seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #7: TCO EXTENSION, PERMIT No. 00100163, Sfeir

Mr. Bassam Sfeir was present and advised the Board that the last item pending was the AC system that needed to be modified.

After some discussion, Mr. Derrer moved to grant a 90-day extension. Mr. Salvador seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #8: TCO EXTENSION, PERMIT No. 02-5019074, Bixby

After some discussion, Mr. Salvador moved to grant a 90-day extension. Mr. Pierce seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Pierce left the room.

APPEAL #9: TCO EXTENSION, PERMIT No. BO103868/BCO04212

Mr. Elmsly Yates informed the members that the extension was needed to complete outstanding work.

After some discussion, Mr. Salvador moved to grant a 90-day extension. Mr. Velazquez seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Pierce returned to the meeting.

Board Non-Agenda Item: 4601 N.W. 36 Street

Mr. Craig Shapiro, attorney representing the owner of the property, stated that the contractor has not done any work at this site since the last meeting and they have an inspection scheduled for Tuesday of this week. Mr. Shapiro then proceeded to read a letter into the records stating that Tower has submitted a dispute to Mr. Pistorino's findings. He further commented that the test report is ready; not the results.

Mr. Horton asked about the product approval.

Mr. Shapiro responded that the City has the inspection scheduled, but he was told that the Building Official would not be able to grant any additional extensions.

Mr. Velazquez commented that as he recalled the contractor indicated that a one-time product approval was pending.

Mr. Shapiro responded that what was tested and what was built is an issue.

Mr. Horton stressed that the Building Official should be monitoring this situation.

After some discussion, Mr. Derrer moved to grant a 30-day extension. Mr. Diaz seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Discussion: Interpretation of FBC Chapter 10 – Section 1026.5.1 and Chapter 16 – Section 1617.4

Mr. Eddie Fernandez, Building Code Compliance Specialist (Building) informed the Board that the interpretation request dealt with the High Velocity Hurricane Zone and guard rail requirements. He pointed out that Section 1026 is in question and proceeded to cite relevant sections of the code.

Mr. Woodward, Mr. Diaz and Mr. Salvador stepped out of the room.

Mr. Horton clarified that this interpretation is a permit issue.

Mr. Hernandez then read Section 1617.4 into the record and stated that Chapter 16 of the Florida Building Code is more restrictive.

Mr. Horton stated that he reads this area differently.

Mr. Hernandez commented that staff conducted some research and found that municipalities are reading it differently as well.

Mr. Horton responded that this is a concern of his and remarked that this whole area relates to construction safety not permitted structures.

Mrs. Nazi Gibbon stated that this issue came about through a project that lead to questions regarding what is the required height of a guardrail, whether to call it a safe guard or a guard rail will make the difference.

Mr. Horton commented that guardrails within the dwelling unit have a 36 inch requirement.

Mrs. Gibbon remarked that she was directed to the load consideration section of the code and the opinion was based on Section 1617.4.1. She added that the shop drawings are now on hold until this issue is resolved.

Mr. Ferras stated that they follow the guidelines of NFPA where in a residential structure it is OK to accept 36 inches. He then gave an example of how the height requirements are applied, indicating that there are some considerations given to the location of the rail, i.e. along the stairs or as a balcony.

Mr. Goolsby clarified that the high-velocity requirements delineates Dade and Broward County and the geographic areas.

Mr. Juan Arteaga, Unincorporated Miami Dade County, stated that they enforces NFPA dwelling and mobility is the change, he talked about the difference between handrails, safeguards and guardrails.

Mr. William Strachan stated that the life safety code requirement is 42 inches.

Upon much discussion, Mr. Horton advised the members that the requirement inside the dwelling is 36 inches acceptable on stairs and 42 inches required on any open balcony area in or out.

REPORT #1

Certification Subcommittee for January 2005

Mr. Salvador announced that the following individuals are being recommended for **approval** for **Re-Certification for 2005** (See **Attached Inspector Tracking System Applicants per Year Report**) and **New Certification for January 2005**.

INSPECTOR:

Alvarez, Raul H.

Bolt, Peter M.

Cankat, Mustafa

Earl, Jr., George J.

REPRESENTING:

City of Doral

Miami-Dade County

City of Miami Gardens

City of Miami Gardens

DISCIPLINES:

Building Inspector (Structural)

Chief Building Inspector

Roofing Inspector (Residential)

Plans Examiner Building

Building Inspector (Structural)

Plans Examiner Structural

Building Inspector (Structural)

Plans Examiner Building

Gonzalez, Carlos A.	City of North Miami Beach	Plans Examiner Plumbing
Hangge, Susan M.	Miami-Dade County	Plumbing Inspector
Hernandez, Roberto L.	City of Miami Beach	Mechanical Inspector
Hill, James D.	City of Sunny Isles Beach	Plans Examiner Building
		Building Inspector (Structural)
		Plans Examiner Building
		Building Inspector Structural
Jimenez, Carlos A.	City of Miami	Plans Examiner Structural
Lampert, Thomas J.	City of Florida City	Building Official
Maruri, Miguel A.	Miami-Dade County	Building Inspector (Structural)
Naranjo, Ismael	City of Sunny Isles	Building Inspector (Structural)
Naumann, Carlos A.	City of Hialeah Gardens	Building Inspector (Structural)
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
		Plans Examiner Building
		Plans Examiner Structural
Poirier, Jr., Raymond J.	City of Florida City	Electrical Inspector
	City of Miami Gardens	Electrical Inspector
		Plans Examiner Electrical
Regula, Ronald	City of Miami Gardens	Chief Mechanical Inspector
Saez, Jose A.	City of Sweetwater	Mechanical Inspector
Salazar, Manuel A.	City of Miami Beach	Mechanical Inspector
Sariego, Jorge L.	City of Miami Gardens	Mechanical Inspector

Mr. Salvador moved to **grant Re-Certification and New Certification** for the above-mentioned individuals. Mr. Velazquez seconded the motion.

Mr. Jorge Gamoneda informed the members that **Mr. Scott Carriero** and **Mr. Albert Reyes, Jr.**, should be added to the list for approval for Re-Certification.

Mr. Salvador then advised the members that they also would like to add to the list **Mr. Felix J. Pousa** and **Mr. Dariusz R. Reczek** for **approval** for Re-Certification as well.

The Board accepted these additions.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Gamoneda further commented that Mrs. Osoris Quintana remains outstanding, as well the Building Official for El Portal, who is missing paperwork.

Mr. Salvador then announced that the following individual is being recommended for **rejection** for **New Certification** for **January 2005**.

INSPECTOR:

Alvarez, Raul H.
Maruri, Miguel A.
Narnajo, Ismael

REPRESENTING:

City of Doral
Miami-Dade County
City of Sunny Isles Beach

DISCIPLINES:

Roofing Inspector (Commercial)
Building Inspector (Structural)
Plans Examiner Building

Mr. Salvador stated that they are willing to accept Mr. Naranjo's 3½ years and moved to **grant** him **New Certification** for **January 2005**. Mr. Diaz seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Gamoneda proceeded to inform the members that Mr. Alvarez was being for New Certification for Roofing Inspector (Commercial).

Mr. Velazquez commented that Mr. Alvarez has a general contractor's license.

Mr. Salvador responded that it remains that he can not perform commercial.

Mr. Goolsby commented that Mr. Alvarez just passed the test and he can resubmit his resume indicating this information and the office will work with him.

After some discussion, Mr. Salvador moved to **deny** Mr. Alvarez. Mr. Diaz seconded the motion.

Motion carried. (Mr. Velazquez was opposed.)

(For a verbatim version of the aforementioned item, refer to the transcript.)

REPORT #2

Status Report: Unincorporated Miami Dade County, MIA Concourse “H”, Permit #1993278779

Mr. Jorge Delgado advised the Board that drawings were presented to the Fire Department and they have received all the appropriate approvals. He further added that there is a work order in place and they plan to be on the job early next month.

The Board acknowledged the status report.

INFORMATION: Building Officials Association of Florida – December 20, 2004 Informal Interpretation

Mr. Juan Arteaga, Unincorporated Dade County informed the Board that the Building Officials Association of Florida had rendered an informal interpretation on the case that was at the last BORA meeting addressing accessibility to dumpsters. He stated that in accordance with Chapter 11 of the Florida Building Code, they feel that that these dumpsters are to be handicap accessible.

Mr. Velazquez commented that the Board of Rules and Appeals made a decision on this matter and the Building Official's Association of Florida does not supercede the Board's decisions.

There being no further business, the meeting was adjourned at 3:25 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 02-17-05

Attendance: Richard Horton, CH Thomas Utterback, VC Enrique Salvador William Derrer
Jesus M. Gomez Rolando Diaz Arnold Velazquez Robert Barnes
John Kurzman Myron Rosner Chief Virgil Fernandez William Strachan, (Ret. Chief)
Alfonso Fernandez-Fraga, P.E.

Excused: Edward Woodard Gregory Pierce Carmen Garcia Justin Manuel
William Riley

Staff Present: Michael Goolsby, Acting Secretary to the Board
Maria Arista-Volsky, Asst. County Attorney
Yvonne Bell, Recording Secretary

Court Reporter: Isabel Seralnik, Metro Dade Court Reporters

The meeting commenced at 1:20 P.M.

Mr. Horton welcomed new Board member Myron Rosner to the Board of Rules and Appeals.

The Board members extended a welcome to Mr. Rosner.

Mr. Horton then requested a motion to approve the **Consent Agenda** items.

CONSENT AGENDA

APPEAL #1: TCO EXTENSION, PERMIT No. 2002-028727, Sergio

APPEAL #2: TCO EXTENSION, PERMIT No. B0303717, Leonard

APPEAL #3: TCO EXTENSION, PERMIT No. B0000750, Lazar

Mr. Kurzman moved to approve the Consent Agenda items as announced by Mr. Horton. Mr. Diaz seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

MINUTES OF JANUARY 20, 2005

Mr. Horton then requested a motion of the Board to approve the minutes of the **January 20, 2005** meeting.

Mr. Salvador moved to accept the minutes of the last meeting. Mr. Barnes seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Horton then proceeded with the **Regular Agenda Certification Report**.

REPORT #1

Certification Subcommittee for February 2005

Mr. Salvador announced that the following individuals are being recommended for **approval** for **Re-Certification for 2005**.

INSPECTOR:

Arronte, Ramon

Perez, Andres

Roche, Manuel L.

REPRESENTING:

Village of El Portal

Village of Biscayne Park

City of Miami

DISCIPLINES:

Building Inspector (Structural)
Building Official
Chief Building Inspector
Roofing Inspector (Commercial)
Roofing Inspector (Residential)
Plans Examiner Building
Mechanical Inspector
Plans Examiner Mechanical
Electrical Inspector

Mr. Salvador then announced that the following individuals are being recommended for **approval** for **New-Certification for 2005**.

INSPECTOR:

Alvarez, Raul H.
Annese, Salvatore D.
Avalos, Adrian
Berrios, Carlos
Blanco, Orlando L.
Childs, Harry B.
Fernandez, Mariano V.
Gonzalez, Carlos A.
Lampert, Thomas J.
Lash, Richard A.

Palacio, Eliezer

Perez, Jan Pierre
Prieto, Rosendo E.

Sariego, Jorge L.

REPRESENTING:

City of Doral
City of Miami Springs
City of Miami Beach
City of Miami
City of Miami Springs
City of Florida City
Town of Golden Beach
Miami Shores Village
City of Florida City
City of Hialeah

City of South Miami

Miami Shores Village
City of Hialeah

City of Miami Gardens

DISCIPLINES:

Roofing Inspector (Commercial)
Building Official
Roofing Inspector (Residential)
Building inspector (Structural)
Plans Examiner Structural
Chief Building Inspector
Plans Examiner Structural
Mechanical Inspector
Chief Building Inspector
Building Inspector (Structural)
Roofing Inspector (Residential)
Building Inspector (Structural)
Chief Building Inspector
Roofing Inspector (Commercial)
Roofing Inspector (Residential)
Plans Examiner Building
Chief Mechanical Inspector
Building Inspector (Structural)
Roofing Inspector (Commercial)
Roofing Inspector (Residential)
Mechanical Inspector

Mr. Gamonda advised the members that Mr. McCarzen needed to be added to the list for Re-Certification as he has 14 hours of his continuing education completed at this time.

Mr. Salvador moved to **grant Re-Certification and New Certification** for the above-mentioned individuals. Mr. Kurzman seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Salvador then announced that the following individuals are being recommended for **rejection** for **New-Certification for 2005**.

INSPECTOR:

Berrios, Carlos
Childs, Harry B.
Lash, Richard A.

McCann, Richard J.
Prieto, Rosendo E.

REPRESENTING:

City of Miami
City of Florida City
City of Hialeah

City of North Miami
City of Hialeah

DISCIPLINES:

Plans Examiner Building
Building Official
Roofing Inspector (Commercial)
Plans Examiner Building
Building Inspector (Structural)
Plans Examiner Building

Mr. Salvador moved to **deny** the above-mentioned individuals **New Certification** for **February 2005**. Mr. Derrer seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Salvador further informed the Board that the discussion on **Building Official** qualifications would be addressed at the next meeting and asked that all the interested parties be notified accordingly.

Mr. Horton then continued with the **Regular Agenda Appeals**.

REGULAR AGENDA APPEALS

APPEAL #1: APPEAL OF BUILDING OFFICIAL: Town of Bay Harbor Drive, FBC Section 1615, Delvista Towers, 20225 N.E. 34 Delvista Court, Permit #BL03-959, FBC Section 11-4.3.1, Handicapped Parking Space

Mr. Horton advised the members that this appeal has been **withdrawn** and no longer needed to be heard by the Board.

APPEAL #2: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 10115 S.W. 85 Terrace, FBC Section 1001.1.2 & 1005.4.3, Means of Egress

APPEAL #3: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 2600 N.W. 123 Street, FBC Section 1001.1.2 & 1005.4.3, Means of Egress

APPEAL #4: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 1623 S.W. 100 Avenue, FBC Section 1001.1.2 & 1005.4.3, Means of Egress

APPEAL #5: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 10920 S.W. 107 Avenue, FBC Section 1001.1.2 & 1005.4.3, Means of Egress

APPEAL #6: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 20340 Highland Lake Blvd, FBC Section 1001.1.2 & 1005.4.3, Means of Egress

APPEAL #7: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 16143 S.W. 107 Place, FBC Section 1001.1.2 & 1005.4.3, Means of Egress

Mr. Kevin Paulsen advised the Board that this issue is regarding the requirements for the means of egress for the window height, which all have expired permits. He advised the members that all of these existing properties were cited for the same violation.

Mr. Flavio Gomez, Unincorporated Miami Dade County, stated that the code is clear and outlines the replacement criteria of a structure and it goes on to make an exemption for minor repairs. He feels that the egress requirements must be reviewed under Chapter 3402. Mr. Gomez added that you can return to the old code only if they abide by the standards.

Mr. Kurman asked about a window seat under the window or can a step be built in front of the window.

Mr. F. Gomez responded that this is not acceptable because it is not permanent and they have enforced this for a long time and have received compliance. He added that the 1970's code states 48 inches and then it was lowered to 44 inches and they have to comply with the new code.

Mr. Horton asked does this ordinance relate to buildings built without a permit.

Mr. F. Gomez answered "no".

Mr. Horton asked about the 25% rule.

Mr. Salvador responded that this is for structural requirements.

Mr. F. Gomez replied that the existing building can be repaired, but the windows have to comply with the new code.

Mr. Paulsen stated that this would require a structural repair, which they do not want to spend that kind of money.

Mr. Eddie Hernandez, (Building) Code Compliance Specialist, stated that this an existing building and proceeded to read into the records Chapter 34 – Section 3401.8.3.2 which establishes specific conditions for window replacement as a major structural repair and states that "existing windows shall be replaced with resistance impact or with shutters, as the specific is the one that governs." He then informed the Board that Staff feels that 44 inches is not required and staff also found that the code was silent on this issue from 1936-1938.

Mr. Kurman stated that to have to change the window opening is not correct, as it will never be equal to what is in existence at this time. He then asked for a remedy to help the situation.

Mr. Hernandez commented that this is a structural problem and the windowsill will now have to be designed and stated that some of them are jalousies that do not comply at all.

Mr. Jose Ferras, Building Official, City of Miami stated that if there is a solid door you do not need the second means of egress for the window and informed them that the City of Miami just requires the specific identified in Chapter 3401.8.3.2.

Mr. Dale Lee, Building Official, City of North Miami Beach, stated that they do not require the opening to be modified as well. He added that this can become expensive to cut these windows down.

Mr. Howard Gordon informed the members that they live at 2035 N.E. 201 Terrace and stated that the house was built in 1961. He explained that the permit was sent back with similar revisions requested and they will add high-impact windows.

Mr. Azan commented that they limit their review and do not require the opening to be changed.

After much discussion, Chief Fernandez moved that as it relates to window replacement Chapter 3401.8.3 should apply and the windowsill height should comply with the code for the year the house was built. Mr. Derrer seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #8: APPEAL OF BUILDING OFFICIAL: City of Doral, 8400 Doral Blvd., General Mills – 3rd Floor, FBC Section 13-410.1 ABCD.2.1, Insulation of Ducts/Air Condition Spaces

Mr. Horton advised the members that this appeal has been **withdrawn** and no longer needed to be heard by the Board.

Mr. Horton proceeded with the **Regular Agenda TCO/TCC Appeals**.

REGULAR AGENDA TCO/TCC APPEALS

APPEAL #1: TCO EXTENSION, PERMIT No. B880095, Fine

APPEAL #2: TCO EXTENSION, PERMIT No. BCO000146, Fine

Mr. Cliff Shulman advised the members that he was taking the place of Robert Fine in presenting the case before them today and proceeded to provide a background history of this appeal. Mr. Shulman explained that this is a 217-unit development with problems with the balconies, which modifications to the plans delayed the repairs. He went on to add that in 1999 the City of Miami Beach closed the case and proceeded to read a letter into the records indicating these findings. He commented that they are trying their best to match the tiles, but the residents have hired an attorney, prompting this appeal to be in litigation. He further mentioned that the health, safety issues and structural work have since been addressed and they need 90-days to finish this project.

Mr. Salvador commented that this is going on for too long and suggested that the contractor be removed. He suggested re-opening the permit and bringing in the contractor for questioning.

Mr. Shulman responded that there is a lot of litigation ongoing, but the South Tower was taken care of rather quickly.

Mr. Neil Linden, Esq., clarified that they are not in litigation for the balconies.

Mr. Utterback made clear that the Board is to address the TCO extension.

Mr. Linden commented that this at the hands of the developer and they do not want to call for a CO on this building, as the building was poorly engineered from the beginning. He remarked that there are less people on the job every day and the contractor is being paid by developer. Mr. Linden explained that some of the residents still have their buildings red tagged and suggested that they complete the structure within 60-days.

Mr. Diaz stated that the City cannot order a contractor to work faster, they are to monitor the permit and litigation is probably the best option for them.

Mr. Linden asked for a remedy or for some form of relief, as judges do not monitor contractors.

Mr. Utterback stated that there is nothing else they can do except approve or deny the extension.

Asst. County Attorney reminded the members that they are to address the TCO extension and informed the appellants to seek additional recourse in the Court system on contractual issues.

Mr. Derrer asked can they finish they work in 90-days, since the money is at hand.

Mr. Strachan asked how many balconies were there.

Mr. Shulman responded that there are 217 balconies and once the tile is found, they will be able to receive a CO.

Mr. Linden stated that this project is over 600 days delayed and now there is a violation over the pool area.

Mr. Salvador asked how many residents were willing to move out.

Mr. Shulman commented that they do not promote this approach.

Chief Fernandez remarked that to put the residents out is not in their best interest, since the Building Official is advising them that the property is OK to occupy.

After some discussion, Mr. Derrer moved to grant the extension retroactive to Jan. 2005. Mr. Utterback seconded the motion.

Mr. Philip Azan, Building Official, City of Miami Beach, informed the members that he will accept an additional TCO extension.

Mr. Salvador stressed to Mr. Azan to stay on top of the contractor.

Mr. Jack Hammer, President of the Association, stated that it has been eight years since the building commenced and suggested to the members that they make the extension time certain. He informed them that the residents are ready to move out and the contractor has indicated to him that he could finish the property within 30-days.

Mr. Azan explained that if the property is not granted an extension he would have to render this property unsafe.

Mrs. Linda Arama stated that they want them to provide a completion date and if nothing is done, they are prepared to take this issue to all the newspapers to get help.

Mr. Utterback suggested amending the TCO to a 30-day extension; instead of 90-days.

Mr. Azan informed the members that this is a South Florida Building Code issue and the 90-day extension was at this time being recommended.

Motion carried. (Mr. Diaz, Mr. Strachan and Mr. Salvador were opposed.)

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #3: TCO EXTENSION, PERMIT No. B0401202, Burgio

The extension was granted for 30 days from the date of this hearing.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #4: TCC EXTENSION, PERMIT No. 02-00000727, Suarez

Mr. Horton advised the members that this appeal has been **withdrawn** and no longer needed to be heard by the Board.

APPEAL #5: TCC EXTENSION, PERMIT No. B0001114/BCC0000048, Sanger

APPEAL #6: TCC EXTENSION, PERMIT No. B0001112/BCC0200351, Sanger

APPEAL #7: TCO EXTENSION, PERMIT No. B0001111/BCO04169, Sanger

Mr. Dan Sanger, Senior Project Manager for the Grand Flamingo, took to the podium, advised the members that they are making progress, and proceeded to request an additional extension. He made note to the Chairman that the agenda needed to be corrected to reflect that Permit No. B0001112 should read North Tower and Permit No. B0001111 should read Main Tower.

After some discussion, Mr. Derrer moved to grant 60-day extensions for permits nos. B0001114 and B0001112 and a 90-day extension for permit no. B0001111. Chief Fernandez seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Board Non-Agenda Item: 4601 N.W. 36 Street

Mr. Craig Shapiro, attorney representing the owner of the property, stated that the contractor still has not done any work at this site and they do not want to have to move out of this property. He informed the members that the Building Official visited the site, but since everything is concealed, a proper inspection was not conducted, as they would need to take everything apart to inspect these areas of concern.

Mr. Velazquez asked about bringing the contractor to the Probable Cause Panel (PCP).

Mr. Horton asked the County Attorney about notification for this issue today.

Asst. County Attorney, Maria Arista-Volsky, responded that the Board could not take action or entertain items that have not been notified properly, beyond the administrative TCO/TCC extension.

Mr. Shapiro stated that the TCO is due to expire in a couple of days.

Mr. Horton asked about issuing the contractor a Notice of Violation.

Mr. Shapiro commented that the revocation of the CO and application was on April 12 and on July 12 another extension was granted and at this point they need another extension.

Mr. Horton advised Mr. Shapiro that the permit remains valid until the TCO expires.

Mr. Velazquez suggested once again sending the contractor to PCP.

At this time, Mr. Herminio Gonzalez, Director, Building Code Compliance Office advised the members that once the TCO expires this building automatically can be considered an unsafe structure and then the Building Official could take action.

Mr. Horton asked about the contractor being brought in on these violations.

Mr. Gonzalez responded that the contractor could be brought in on various violations as deemed appropriate.

Mr. Kurzman asked could the Board legally extend the permit.

Asst. County Attorney advised the members to follow the direction of Mr. Gonzalez.

After some discussion, Mr. Salvador moved to grant a 30-day extension and direct the Building Official to send the contractor of record a Notice of Violation if applicable. Chief Fernandez seconded the motion.

Discussion:

Mr. Fernandez-Fraga asked could they just fine the contractor.

Asst. County Attorney reiterated that the contractor needed to be properly noticed if action against them is being considered.

Mr. Horton clarified the issue and stated that they should direct the Building Code Compliance Office to send a letter to the Building Official indicating that he should provide an update and issue any appropriate Notice of Violations.

Mr. Goolsby remarked that the inspection never took place due to the concealed work and the Building Code Compliance Office will ask for the results of the one-time product approval.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REPORT #2

Status Report: Unincorporated Miami Dade County, MIA Concourse "H", Permit #1993278779

Mr. Jorge Delgado advised the Board that construction commenced last week and the electrical work is undergoing.

The Board acknowledged the status report.

Mr. Velazquez left for the day at 3:13 P.M.

Non-Agenda Item: Building Code Compliance Office – Product Control Division

Mr. Jaime Gascon, Acting Chief, Product Control Division, stated that the Building Code Compliance Office was putting together a resolution to maintain the validation step as part of the product approval process in the State's product approval system and that this validation process consists of a technical review by the Product Control Division.

Mr. Horton suggested to the members that they maintain the same standards.

After some discussion, Salvador moved to approve the language as written. Mr. Gomez seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

INFORMATION: Florida Building Commission

Mr. Goolsby advised the members that the Florida Building Commission will be meeting in Miami on March 14, 14 and 16 at the Radisson Hotel.

Mr. Horton suggested that Mr. Goolsby send the members a letter indicating the time and location.

There being no further business, the meeting was adjourned at 3:20 P.M.

MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 03-17-05

Attendance:	Richard Horton, CH	Thomas Utterback, VC	Enrique Salvador	William Derrer
	Jesus M. Gomez	Rolando Diaz	Arnold Velazquez	Robert Barnes
	John Kurzman	Myron Rosner	Chief Virgil Fernandez	William Strachan, (Ret. Chief)
	Alfonso Fernandez-Fraga, P.E.			

Excused:	Edward Woodard	Gregory Pierce	Carmen Garcia	Justin Manuel
	William Riley			

Staff Present: Michael Goolsby, Acting Secretary to the Board
Maria Arista-Volsky, Asst. County Attorney
Yvonne Bell, Recording Secretary

Court Reporter: Isabel Seralnik, Metro Dade Court Reporters

The meeting commenced at 1:20 P.M.

Mr. Horton then requested a motion to approve the **Consent Agenda** items.

CONSENT AGENDA

APPEAL #1: TCO EXTENSION, PERMIT No. 2002-028727, Sergio

APPEAL #2: TCO EXTENSION, PERMIT No. B0303717, Leonard

APPEAL #3: TCO EXTENSION, PERMIT No. B0000750, Lazar

Mr. Kurzman moved to approve the Consent Agenda items as announced by Mr. Horton. Mr. Diaz seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

MINUTES OF JANUARY 20, 2005

Mr. Horton then requested a motion of the Board to approve the minutes of the **January 20, 2005** meeting.

Mr. Salvador moved to accept the minutes of the last meeting. Mr. Barnes seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Horton then proceeded with the **Regular Agenda Certification Report**.

REPORT #1

Certification Subcommittee for February 2005

Mr. Salvador announced that the following individuals are being recommended for **approval** for **Re-Certification for 2005**.

INSPECTOR:

Arronte, Ramon

REPRESENTING:

Village of El Portal

DISCIPLINES:

Building Inspector (Structural)
Building Official
Chief Building Inspector
Roofing Inspector (Commercial)
Roofing Inspector (Residential)
Plans Examiner Building
Mechanical Inspector
Plans Examiner Mechanical
Electrical Inspector

Perez, Andres

Village of Biscayne Park

Roche, Manuel L.

City of Miami

Mr. Salvador then announced that the following individuals are being recommended for **approval** for **New-Certification for 2005**.

INSPECTOR:

Alvarez, Raul H.

REPRESENTING:

City of Doral

DISCIPLINES:

Roofing Inspector (Commercial)

Annese, Salvatore D.	City of Miami Springs	Building Official
Avalos, Adrian	City of Miami Beach	Roofing Inspector (Residential)
Berrios, Carlos	City of Miami	Building inspector (Structural)
Blanco, Orlando L.	City of Miami Springs	Plans Examiner Structural
Childs, Harry B.	City of Florida City	Chief Building Inspector
Fernandez, Mariano V.	Town of Golden Beach	Plans Examiner Structural
Gonzalez, Carlos A.	Miami Shores Village	Mechanical Inspector
Lampert, Thomas J.	City of Florida City	Chief Building Inspector
Lash, Richard A.	City of Hialeah	Building Inspector (Structural)
		Roofing Inspector (Residential)
Palacio, Eliezer	City of South Miami	Building Inspector (Structural)
		Chief Building Inspector
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
		Plans Examiner Building
Perez, Jan Pierre	Miami Shores Village	Chief Mechanical Inspector
Prieto, Rosendo E.	City of Hialeah	Building Inspector (Structural)
		Roofing Inspector (Commercial)
		Roofing Inspector (Residential)
Sariego, Jorge L.	City of Miami Gardens	Mechanical Inspector

Mr. Gamonda advised the members that Mr. McCarzen needed to be added to the list for Re-Certification as he has 14 hours of his continuing education completed at this time.

Mr. Salvador moved to **grant Re-Certification and New Certification** for the above-mentioned individuals. Mr. Kurzman seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Salvador then announced that the following individuals are being recommended for **rejection** for **New-Certification for 2005**.

<u>INSPECTOR:</u>	<u>REPRESENTING:</u>	<u>DISCIPLINES:</u>
Berrios, Carlos	City of Miami	Plans Examiner Building
Childs, Harry B.	City of Florida City	Building Official
Lash, Richard A.	City of Hialeah	Roofing Inspector (Commercial)
		Plans Examiner Building
McCann, Richard J.	City of North Miami	Building Inspector (Structural)
Prieto, Rosendo E.	City of Hialeah	Plans Examiner Building

Mr. Salvador moved to **deny** the above-mentioned individuals **New Certification** for **February 2005**. Mr. Derrer seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Mr. Salvador further informed the Board that the discussion on **Building Official** qualifications would be addressed at the next meeting and asked that all the interested parties be notified accordingly.

Mr. Horton then continued with the **Regular Agenda Appeals**.

REGULAR AGENDA APPEALS

APPEAL #1: APPEAL OF BUILDING OFFICIAL: Town of Bay Harbor Drive, FBC Section 1615, Delvista Towers, 20225 N.E. 34 Delvista Court, Permit #BL03-959, FBC Section 11-4.3.1, Handicapped Parking Space

Mr. Horton advised the members that this appeal has been **withdrawn** and no longer needed to be heard by the Board.

APPEAL #2: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 10115 S.W. 85 Terrace, FBC Section 1001.1.2 & 1005.4.3, Means of Egress

APPEAL #3: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 2600 N.W. 123 Street, FBC Section 1001.1.2 & 1005.4.3, Means of Egress

APPEAL #4: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 1623 S.W. 100 Avenue, FBC Section 1001.1.2 & 1005.4.3, Means of Egress

APPEAL #5: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 10920 S.W. 107 Avenue, FBC Section 1001.1.2 & 1005.4.3, Means of Egress

APPEAL #6: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 20340 Highland Lake Blvd, FBC Section 1001.1.2 & 1005.4.3, Means of Egress

APPEAL #7: APPEAL OF BUILDING OFFICIAL: Unincorporated Miami Dade County, 16143 S.W. 107 Place, FBC Section 1001.1.2 & 1005.4.3, Means of Egress

Mr. Kevin Paulsen advised the Board that this issue is regarding the requirements for the means of egress for the window height, which all have expired permits. He advised the members that all of these existing properties were cited for the same violation.

Mr. Flavio Gomez, Unincorporated Miami Dade County, stated that the code is clear and outlines the replacement criteria of a structure and it goes on to make an exemption for minor repairs. He feels that the egress requirements must be reviewed under Chapter 3402. Mr. Gomez added that you can return to the old code only if they abide by the standards.

Mr. Kurman asked about a window seat under the window or can a step be built in front of the window.

Mr. F. Gomez responded that this is not acceptable because it is not permanent and they have enforced this for a long time and have received compliance. He added that the 1970's code states 48 inches and then it was lowered to 44 inches and they have to comply with the new code.

Mr. Horton asked does this ordinance relate to buildings built without a permit.

Mr. F. Gomez answered "no".

Mr. Horton asked about the 25% rule.

Mr. Salvador responded that this is for structural requirements.

Mr. F. Gomez replied that the existing building can be repaired, but the windows have to comply with the new code.

Mr. Paulsen stated that this would require a structural repair, which they do not want to spend that kind of money.

Mr. Eddie Hernandez, (Building) Code Compliance Specialist, stated that this an existing building and proceeded to read into the records Chapter 34 – Section 3401.8.3.2 which establishes specific conditions for window replacement as a major structural repair and states that "existing windows shall be replaced with resistance impact or with shutters, as the specific is the one that governs." He then informed the Board that Staff feels that 44 inches is not required and staff also found that the code was silent on this issue from 1936-1938.

Mr. Kurman stated that to have to change the window opening is not correct, as it will never be equal to what is in existence at this time. He then asked for a remedy to help the situation.

Mr. Hernandez commented that this is a structural problem and the windowsill will now have to be designed and stated that some of them are jalousies that do not comply at all.

Mr. Jose Ferras, Building Official, City of Miami stated that if there is a solid door you do not need the second means of egress for the window and informed them that the City of Miami just requires the specific identified in Chapter 3401.8.3.2.

Mr. Dale Lee, Building Official, City of North Miami Beach, stated that they do not require the opening to be modified as well. He added that this can become expensive to cut these windows down.

Mr. Howard Gordon informed the members that they live at 2035 N.E. 201 Terrace and stated that the house was built in 1961. He explained that the permit was sent back with similar revisions requested and they will add high-impact windows.

Mr. Azan commented that they limit their review and do not require the opening to be changed.

After much discussion, Chief Fernandez moved that as it relates to window replacement Chapter 3401.8.3 should apply and the windowsill height should comply with the code for the year the house was built. Mr. Derrer seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #8: APPEAL OF BUILDING OFFICIAL: City of Doral, 8400 Doral Blvd., General Mills – 3rd Floor, FBC Section 13-410.1 ABCD.2.1, Insulation of Ducts/Air Condition Spaces

Mr. Horton advised the members that this appeal has been **withdrawn** and no longer needed to be heard by the Board.

Mr. Horton proceeded with the **Regular Agenda TCO/TCC Appeals**.

REGULAR AGENDA TCO/TCC APPEALS

APPEAL #1: TCO EXTENSION, PERMIT No. B880095, Fine

APPEAL #2: TCO EXTENSION, PERMIT No. BCO000146, Fine

Mr. Cliff Shulman advised the members that he was taking the place of Robert Fine in presenting the case before them today and proceeded to provide a background history of this appeal. Mr. Shulman explained that this is a 217-unit development with problems with the balconies, which modifications to the plans delayed the repairs. He went on to add that in 1999 the City of Miami Beach closed the case and proceeded to read a letter into the records indicating these findings. He commented that they are trying their best to match the tiles, but the residents have hired an attorney, prompting this appeal to be in litigation. He further mentioned that the health, safety issues and structural work have since been addressed and they need 90-days to finish this project.

Mr. Salvador commented that this is going on for too long and suggested that the contractor be removed. He suggested re-opening the permit and bringing in the contractor for questioning.

Mr. Shulman responded that there is a lot of litigation ongoing, but the South Tower was taken care of rather quickly.

Mr. Neil Linden, Esq., clarified that they are not in litigation for the balconies.

Mr. Utterback made clear that the Board is to address the TCO extension.

Mr. Linden commented that this at the hands of the developer and they do not want to call for a CO on this building, as the building was poorly engineered from the beginning. He remarked that there are less people on the job every day and the contractor is being paid by developer. Mr. Linden explained that some of the residents still have their buildings red tagged and suggested that they complete the structure within 60-days.

Mr. Diaz stated that the City cannot order a contractor to work faster, they are to monitor the permit and litigation is probably the best option for them.

Mr. Linden asked for a remedy or for some form of relief, as judges do not monitor contractors.

Mr. Utterback stated that there is nothing else they can do except approve or deny the extension.

Asst. County Attorney reminded the members that they are to address the TCO extension and informed the appellants to seek additional recourse in the Court system on contractual issues.

Mr. Derrer asked can they finish they work in 90-days, since the money is at hand.

Mr. Strachan asked how many balconies were there.

Mr. Shulman responded that there are 217 balconies and once the tile is found, they will be able to receive a CO.

Mr. Linden stated that this project is over 600 days delayed and now there is a violation over the pool area.

Mr. Salvador asked how many residents were willing to move out.

Mr. Shulman commented that they do not promote this approach.

Chief Fernandez remarked that to put the residents out is not in their best interest, since the Building Official is advising them that the property is OK to occupy.

After some discussion, Mr. Derrer moved to grant the extension retroactive to Jan. 2005. Mr. Utterback seconded the motion.

Mr. Philip Azan, Building Official, City of Miami Beach, informed the members that he will accept an additional TCO extension.

Mr. Salvador stressed to Mr. Azan to stay on top of the contractor.

Mr. Jack Hammer, President of the Association, stated that it has been eight years since the building commenced and suggested to the members that they make the extension time certain. He informed them that the residents are ready to move out and the contractor has indicated to him that he could finish the property within 30-days.

Mr. Azan explained that if the property is not granted an extension he would have to render this property unsafe.

Mrs. Linda Arama stated that they want them to provide a completion date and if nothing is done, they are prepared to take this issue to all the newspapers to get help.

Mr. Utterback suggested amending the TCO to a 30-day extension; instead of 90-days.

Mr. Azan informed the members that this is a South Florida Building Code issue and the 90-day extension was at this time being recommended.

Motion carried. (Mr. Diaz, Mr. Strachan and Mr. Salvador were opposed.)

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #3: TCO EXTENSION, PERMIT No. B0401202, Burgio

The extension was granted for 30 days from the date of this hearing.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

APPEAL #4: TCC EXTENSION, PERMIT No. 02-00000727, Suarez

Mr. Horton advised the members that this appeal has been **withdrawn** and no longer needed to be heard by the Board.

APPEAL #5: TCC EXTENSION, PERMIT No. B0001114/BCC0000048, Sanger

APPEAL #6: TCC EXTENSION, PERMIT No. B0001112/BCC0200351, Sanger

APPEAL #7: TCO EXTENSION, PERMIT No. B0001111/BCO04169, Sanger

Mr. Dan Sanger, Senior Project Manager for the Grand Flamingo, took to the podium, advised the members that they are making progress, and proceeded to request an additional extension. He made note to the Chairman that the agenda needed to be corrected to reflect that Permit No. B0001112 should read North Tower and Permit No. B0001111 should read Main Tower.

After some discussion, Mr. Derrer moved to grant 60-day extensions for permits nos. B0001114 and B0001112 and a 90-day extension for permit no. B0001111. Chief Fernandez seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

Board Non-Agenda Item: 4601 N.W. 36 Street

Mr. Craig Shapiro, attorney representing the owner of the property, stated that the contractor still has not done any work at this site and they do not want to have to move out of this property. He informed the members that the Building Official visited the site, but since everything is concealed, a proper inspection was not conducted, as they would need to take everything apart to inspect these areas of concern.

Mr. Velazquez asked about bringing the contractor to the Probable Cause Panel (PCP).

Mr. Horton asked the County Attorney about notification for this issue today.

Asst. County Attorney, Maria Arista-Volsky, responded that the Board could not take action or entertain items that have not been notified properly, beyond the administrative TCO/TCC extension.

Mr. Shapiro stated that the TCO is due to expire in a couple of days.

Mr. Horton asked about issuing the contractor a Notice of Violation.

Mr. Shapiro commented that the revocation of the CO and application was on April 12 and on July 12 another extension was granted and at this point they need another extension.

Mr. Horton advised Mr. Shapiro that the permit remains valid until the TCO expires.

Mr. Velazquez suggested once again sending the contractor to PCP.

At this time, Mr. Herminio Gonzalez, Director, Building Code Compliance Office advised the members that once the TCO expires this building automatically can be considered an unsafe structure and then the Building Official could take action.

Mr. Horton asked about the contractor being brought in on these violations.

Mr. Gonzalez responded that the contractor could be brought in on various violations as deemed appropriate.

Mr. Kurzman asked could the Board legally extend the permit.

Asst. County Attorney advised the members to follow the direction of Mr. Gonzalez.

After some discussion, Mr. Salvador moved to grant a 30-day extension and direct the Building Official to send the contractor of record a Notice of Violation if applicable. Chief Fernandez seconded the motion.

Discussion:

Mr. Fernandez-Fraga asked could they just fine the contractor.

Asst. County Attorney reiterated that the contractor needed to be properly noticed if action against them is being considered.

Mr. Horton clarified the issue and stated that they should direct the Building Code Compliance Office to send a letter to the Building Official indicating that he should provide an update and issue any appropriate Notice of Violations.

Mr. Goolsby remarked that the inspection never took place due to the concealed work and the Building Code Compliance Office will ask for the results of the one-time product approval.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

REPORT #2

Status Report: Unincorporated Miami Dade County, MIA Concourse "H", Permit #1993278779

Mr. Jorge Delgado advised the Board that construction commenced last week and the electrical work is undergoing.

The Board acknowledged the status report.

Mr. Velazquez left for the day at 3:13 P.M.

Non-Agenda Item: Building Code Compliance Office – Product Control Division

Mr. Jaime Gascon, Acting Chief, Product Control Division, stated that the Building Code Compliance Office was putting together a resolution to maintain the validation step as part of the product approval process in the State's product approval system and that this validation process consists of a technical review by the Product Control Division.

Mr. Horton suggested to the members that they maintain the same standards.

After some discussion, Salvador moved to approve the language as written. Mr. Gomez seconded the motion.

Motion carried unanimously.

(For a verbatim version of the aforementioned item, refer to the transcript.)

INFORMATION: Florida Building Commission

Mr. Goolsby advised the members that the Florida Building Commission will be meeting in Miami on March 14, 14 and 16 at the Radisson Hotel.

Mr. Horton suggested that Mr. Goolsby send the members a letter indicating the time and location.

There being no further business, the meeting was adjourned at 3:20 P.M.